

for the years 1933 and 1934 were owing, in the aggregate amount of \$147.61, and that penalties have accrued in the aggregate amount of \$7.37; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT upon prompt payment of said taxes, together with interest, the penalties shall be remitted.

The resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

There being no further business, upon motion of Councilman Wolf, seconded by Councilman Gillis, the Council recessed, subject to call of the Mayor, by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Attest:

Hallie McKellar City Clerk

Approved:

Tom Miller
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 22, 1935.

The meeting was called to order at 10:15 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; absent, Councilman Alford, 1.

The reading of the Minutes was dispensed with.

A committee from the Chamber of Commerce submitted a proposal for the construction of a City-County Auditorium, stating that the County Commissioners were favorable to the project if funds for same could be secured. Further consideration of the matter was postponed to a meeting of the City Council, City Manager, and the Committee.

A committee of clergymen from Hyde Park submitted a petition asking that the ordinance regulating the conduct and dress of bathers be enforced at Shipe Pool, particularly with reference to the wearing of robes to and from the pool by the bathers. After considerable discussion, it was moved by Councilman Gillis, seconded by Councilman Bartholomew, that the matter be referred to Jas. A. Garrison, Superintendent of Recreation, for investigation and report back to the Council at its next regular meeting, and that a copy of said report be sent to the clergymen. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Mayor Miller declared the hearing open, in accordance with published notice thereof, on the proposal of the City Council to amend the Zoning Ordinance of the City of Austin in

the following particulars:

To zone as "A" Residence District and First Height and Area District all that property known as Rosedale B, C, and D, and the property west extending to the city limit line, except that portion designated as Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, Block 7, Rosedale B, which shall be zoned as "C" Commercial District and Second Height and Area District, all of said property having been taken into the city limits by ordinance passed October 19, 1933;

To amend the Use designation of that property located south of Barton Springs Road and east of the railroad right-of-way, being more particularly described as the west four acres of Block 10-B of the Isaac Decker League, so as to change same from "A" Residence District to "C" Commercial District.

No one appearing to protest the proposed zoning of that property known as Rosedale B, C, and D, and the property west extending to the city limit line, Councilman Wolf moved that the City Attorney be instructed to draw an amendment to the Zoning Ordinance in accordance with the proposal. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

William Yelderman, Attorney for Nannie E. Dawson, protested the proposed change in zoning of the property located south of Barton Springs Road and east of the railroad right-of-way, being more particularly described as the west four acres of Block 10-B of the Isaac Decker League, from "A" Residence District to "C" Commercial District. Written protests by Mrs. J. W. Templer, Ruth D. Tinnin, N. A. Dawson, Mrs. Jane Parker, and Nannie E. Dawson were also received. Councilman Gillis moved that the zoning of this property remain unchanged. The motion was seconded by Councilman Wolf and carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE REPEALING AN ORDINANCE ENTITLED "AN ORDINANCE TO PROVIDE FOR LICENSING AND REGULATING PERSONS, FIRMS, AND CORPORATIONS TO ENGAGE IN BUYING AND SELLING FRUITS AND VEGETABLES AT WHOLESALE WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, REQUIRING THE ISSUANCE OF LICENSES, EXEMPTING IN PART CERTAIN PERSONS, DEFINING TERMS, PROVIDING ENFORCEMENT, PRESCRIBING DUTIES OF ENFORCING OFFICERS, PROHIBITING THE SUPERSEDING THEREOF BY OTHER ORDINANCES, PROVIDING FOR THE DISPLAY OF LICENSES, FIXING PENALTIES, DESCRIBING OPERATING AND EFFECT. "

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

The ordinance was read the third time and Councilman Wolf moved that same be finally passed. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

The request of E. H. Smartt, Attorney for the owners of certain property west of Exposition Boulevard on the Enfield Road, for an extension of the water main to serve said property, was referred to the City Manager.

The complaint of Chester Schacht relative to the rank growth of willow trees in the bed of Waller Creek below the bridge on Second Street was referred to the City Engineer for investigation, with instructions to have said trees cut if they are found to be on the City's property.

Councilman Gillis offered the following resolution:

WHEREAS, Monroe Lindner is the Contractor for the construction of a building located at 1322 East 1st Street and desires a portion of the sidewalk space abutting Lot 6, Block 12, Outlot 19, Division "O", of the City of Austin, Texas, during the construction of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Monroe Lindner, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the southeast corner of the above described lot; thence in a westerly direction along the south line of said lot a distance of 24 feet; thence in a southerly direction and at right angles to the centerline of East 1st Street a distance of 10 feet; thence in an easterly direction and parallel with the centerline of East 1st Street a distance of 32 feet; thence in a northerly direction and parallel with the centerline of Navasota Street a distance of 50 feet; thence in a westerly direction and at right angles to the centerline of Navasota Street a distance to the west line of Navasota Street; thence in a southerly direction along the west line of Navasota Street to the place of the beginning.

2. THAT the above privileges and allotment of space are granted to said Monroe Lindner, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail along the street boundary lines of the above described working space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such guard rail.

(3) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm waters.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness.

(5) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than October 1, 1935.

(6) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(7) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8) That the Contractor shall furnish the City of Austin a surety bond in the sum of Three Thousand Dollars (\$3,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, W. A. Fiegel is the Contractor for the repair of a building located at 805-807 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot 2 and the north 3 feet of Lot 1, Block 97, of the Original City of Austin, Texas, during the repair of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said W. A. Fiegel, the boundary of which is described as follows:

Sidewalk and Street Working Space:

Beginning at a point in the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue a distance to a point 4 feet west of the east curb line of Congress Avenue; thence in a southerly direction and parallel with the centerline of Congress Avenue a distance of 48 feet; thence in an easterly direction and at right angles to the centerline of Congress Avenue a distance to the east line of Congress Avenue; thence in a northerly direction along the east line of Congress Avenue to the place of the beginning.

2. THAT the above privileges and allotment of space are granted to said W. A. Fiegel, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall maintain an unobstructed 5-foot walkway through the above described sidewalk space adjacent to the building line and shall construct a guard rail around the spaces used during the work, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such guard rail.

(3) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm waters.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness.

(5) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than August 26, 1935.

(6) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(7) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the repair work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis,

Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Gillis offered the following resolution:

WHEREAS, D. R. Whittle is the Contractor for the alteration of a building located at 515 West 6th Street and desires a portion of the sidewalk space abutting Lot 8, Block 51, of the Original City of Austin, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said D. R. Whittle, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the northwest corner of the above described lot; thence in a southerly direction along the west line of said lot a distance of 60 feet; thence in a westerly direction and at right angles to the centerline of Nueces Street a distance of 6 feet; thence in a northerly direction and parallel with the centerline of Nueces Street a distance to a point 6 feet north of the south line of West 6th Street; thence in an easterly direction and parallel with the centerline of West 6th Street a distance of 40 feet; thence in a southerly direction and at right angles to the centerline of West 6th Street a distance to the south line of West 6th Street; thence in a westerly direction along the south line of West 6th Street to the place of the beginning.

2. THAT the above privileges and allotment of space are granted to said D. R. Whittle, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail at least 4 feet high and substantially braced and anchored around the street side boundary line of the above described space.

(2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such guard rail.

(3) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm waters.

(4) That the Contractor shall place on the outside corners of any walkway, barricades, or obstructions, red lights during all periods of darkness.

(5) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than August 31, 1935.

(6) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(7) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the alteration work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis,

Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in RED RIVER STREET ALLEY, beginning at a point 10 feet south of and 5 feet west of the intersection of the centerline of East 21st Street and the centerline of Red River Street Alley;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 5 feet west of and parallel to the centerline of said Red River Street Alley, for a distance of 147 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in RAMSEY AVENUE, beginning at a point 7½ feet west of and 97 feet north of the intersection of the east line of Ramsey Avenue and the north line of West 44th Street;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 7½ feet west of and parallel to the east line of Ramsey Avenue, for a distance of 218 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in ROSEDALE AVENUE, beginning at a point 15 feet west of and 212 feet south of the intersection of the east line of Rosedale Avenue and the south line of West 42nd Street;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 15 feet west of and parallel to the east line of Rosedale Avenue, for a distance of 100 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, M. H. Crockett, owner of property abutting the east side of South Congress Avenue at a location north of Riverside Drive, which property is a portion of the Isaac Decker League within the City of Austin, Travis County, Texas, has made application to the City Council of the City of Austin for permission to construct one 18' commercial driveway

across the east sidewalk area of South Congress Avenue, the south end of which commercial driveway shall begin at a point approximately 117 feet north of the north line of Riverside Drive as shown upon the plan hereto attached marked 2-C-607, which plan is made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT M. H. Crockett, owner of property abutting the east side of South Congress Avenue at a location north of Riverside Drive, which property is a portion of the Isaac Decker League within the City of Austin, Travis County, Texas, is hereby permitted to construct one 18' commercial driveway across the east sidewalk area of South Congress Avenue, the south end of which driveway shall begin at a point approximately 117 feet north of the north line of Riverside Drive, subject to the construction of concrete ramps, curbs, driveways, sidewalks, and expansion joints as shown upon the plan marked 2-C-607, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Wolf moved that, upon the recommendation of Tom E. Neal, Captain of Police, Traffic Division, the following persons be granted Taxicab Drivers Permits: Ward B. Barnett, 810 West 5th Street; V. Robert Curtis, 1709 Rio Grande Street; John E. Hacker, c/o Congress Taxi Company, Kenneth Hill, 1011 East 15th Street; and Dwight L. Platt, 2910 Guadalupe Street. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Wolf moved that, upon the recommendation of Tom E. Neal, Captain of Police, Traffic Division, that the Taxicab Drivers Permits heretofore issued to Grover D. Porter, 307 Navasota Street, D. H. Hogan, 409 West 38th Street, and Harvey Warren, 95 Rainey Street, be cancelled, a public hearing be held before the City Council at its next regular meeting at which time said persons will be given an opportunity to appear and show cause why their Taxicab Drivers Permits should not be cancelled. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, it has appeared on the tax rolls that T. H. Barrow owes taxes on $1\frac{1}{2}$ acres of the east end of Lot 11, Block K, Evergreen Heights, for the years 1930 to 1934, both inclusive, in the aggregate sum of \$53.07, together with penalty of \$2.65, and interest in the amount of \$7.78; and

WHEREAS, it appears that said T. H. Barrow has deeded a portion of said property to the City of Austin for Fredericksburg Road purposes; and

WHEREAS, it appears that said T. H. Barrow has paid all of said taxes but has not paid said penalty and interest; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT in consideration of the premises, said penalties and interest are hereby remitted.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Mayor Miller moved that the City Manager be authorized to employ the firm of Hawley, Freese and Nichols to make a preliminary survey by September 5 next, indicating to the City Council the approximate reduction in the local gas rate in Austin and to pay for such services the sum of \$500.00, the City in no way obligating itself to employ said firm to make the main survey, but in the event said firm is employed to do this work, then a credit of \$300.00 of the amount so paid shall apply to the cost of said work. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Mayor Miller moved that the City Attorney be instructed to prepare a resolution expressing the deep sorrow that the City of Austin feels at the recent tragic death of America's most beloved citizen, the inimitable Will Rogers, and that a copy of the resolution be sent to the family of the deceased. The motion was adopted unanimously by a rising vote of the Council - Councilman Alford being absent.

Upon motion, duly seconded and carried, the meeting was recessed, subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie McKellan
City Clerk.